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| Program for Providing Access for People with Sensory Impairment |
| **ЛОГО БЕЗ НАТПИСИ** |
| Agency for Audio and Audiovisual Media Services |

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**Introduction**

Communication is essential to the development of a person’s identity, socialization and inclusion in the society. Access to information is a key precondition to access, participate and contribute to a community. The Agency of Audio and Audiovisual media Services of the Republic of Macedonia is committed to removing barriers that prevent people with disability from accessing the information and enjoying the audiovisual services that are available to most other people in the Macedonian society.

The United Nations Convention on the Rights of Persons with Disabilities obliges signatories (including Macedonia) to communicate with people using the communication of their choice, including ‘facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions’.

The Law on Audio and Audiovisual Media Services - Article 26 on Social inclusion and media literacy, provides that the Agency undertakes activities to encourage the audio and audiovisual media service providers to make their services available to hearing and visually impaired persons.

This Program contains activities and measures to be undertaken by the AAAMS in the next three years (2015, 2016 and 2017) to promote better access of people with hearing and visually disabilities to the programs offered by the providers of audiovisual media services in Macedonia.

This Program has been developed within the frames of the Project “*Enhancing the administrative capacities of telecom and media authorities for efficient regulation of new digital and multiple play services”,* financed by European commission according to the IPA framework**.**

**International and European Regulatory Framework
for freedom of Expression and Access to Information
of People with Disability**

**The United Nations**

**The United Nations Convention on the Rights of Persons with Disabilities (UNCPRD)** was adopted on 13th December 2006 and it entered into force on 3rd May 2008. This is the first legally-binding international human rights instrument protecting persons with disabilities. However, the Convention builds upon, and works in synergy with previous international texts related to persons with disabilities, such as Standard Rules on the Equalization of Opportunities for Persons with Disabilities – 1994, which is not a legally binding treaty, and a World Programme of Action on Disabled Persons – 1982, also not a legally binding treaty. The European Union and its Member States are parties of it and the Republic of Macedonia signed it but has not ratified it yet.

The UN Convention requires States Parties to protect and safeguard all human rights and fundamental freedoms of persons with disabilities. People with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

The Convention represents a development and a human rights instrument, as well as a policy instrument which is cross-disability and cross-sectoral. Its purpose is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

The Convention defines specific terms, among many:

* The Communication: that includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;
* The Language: includes spoken and signed languages and other forms of non spoken languages;
* The Universal design means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. The universal design does not exclude assistive devices for particular groups of persons with disabilities where this is needed.

The Convention also stressed the importance of the awareness raising among the state parties. It urges the countries to adopt immediate, effective and appropriate following measures:

* 1. To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;
	2. To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;
	3. To promote awareness of the capabilities and contributions of persons with disabilities.

The measures proposed by the Convention include the initiating and maintaining effective public awareness campaigns designed:

1. To nurture receptiveness to the rights of persons with disabilities, to promote positive perceptions and greater social awareness towards persons with disabilities;
2. To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market,
	1. Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;
	2. Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;
	3. Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

The Convention places the special place for freedom of expression and opinion and access to information for the people with disability under Article 21. It stresses that the “States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice” including by:

1. Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
2. Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;
3. Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;
4. Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;
5. Recognizing and promoting the use of sign languages.

In addition, the legally binding Convention prescribes the participation in cultural life, recreation, leisure and sport in its Article 30 by calling States Parties to recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and to take all appropriate measures to ensure that persons with disabilities:

1. Enjoy access to cultural materials in accessible formats;
2. Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;
3. Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.

Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.

**The Council of Europe**

**The European Convention on Human Rights** **and Fundamental Freedoms** in its Article 10 prescribes that “Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.” This means that *everyone* , meaning people with disabilities, shall have the right to exercise the freedom of expression. However, the Article 10, Paragraph 2 states that the exercise of these freedoms, since it carries with it duties and responsi­bilities, may be subject to such formalities, conditions, restrictions or pen­alties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or the rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Further on, the Article 14 of the European Convention prescribes the prohibition of discrimination by asking the countries to secure the enjoyment of the rights and freedoms set forth in this Convention without discrimination on any ground such as: sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

However, there is no relevant court practice of the European Court on Human Rights about the implementation of Article 10 and Article 14 of the European Convention on Human Rights related to the unrestricted access to audiovisual media services

**The European Union**

**The Treaty of the Functioning of the European Union** requires the Union to combat discrimination based on disability when defining and implementing its policies and activities and gives it the power to adopt legislation to address such discrimination. The Article 10 says that “in defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation”, while the Article 19 prescribes the possibilities for States to obtain appropriate action in the following way “without prejudice to the other provisions of the Treaties and within the limits of the powers conferred by them upon the Union, the Council, acting unanimously in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation”.

**The Audiovisual Media Service Directive** (AVMSD), as an umbrella regulation for audiovisual media services prescribes in its Recital 46 that the right of persons with a disability and of the elderly to participate and to be integrated in the social and cultural life of the Union is inextricably linked to the provision of accessible audiovisual media services. The means to achieve accessibility should include, but need not be limited to:

* + sign language,
	+ subtitling,
	+ audio-description
	+ easily understandable menu navigation.

The biggest debate is still ongoing about the Article 7 of the Directive that states that the “Member States shall encourage media service providers under their jurisdiction to ensure that their services are gradually made accessible to people with a visual or hearing disability”. Once the Directive was adopted, many institutions defending the rights of people with visual or hearing disabilities protested for not binding sentence within the Directive as the media service providers were only “encouraged” instead of having the obligation to enable the accessibility for everyone, including people with disabilities. The European Parliament resolution of 22May 2013 on the Implementation of the AVMS calls on the Commission to encourage the consistent and full implementation of the AVMSD in Member States. The Resolution also highlights the AVMSD’s failures in the field of accessibility of audiovisual media services for the elderly and people with disabilities and encourages the rewording of Article 7 to include stronger, binding language requiring media service providers to ensure that their services are made available to these groups. The Resolution stresses that “the accessibility of audiovisual media services is essential for guaranteeing the right of persons with a disability and of the elderly to participate and be integrated in the social and cultural life of the EU, in particular with the development of new content delivery platforms such as IPTV and Connected TV”. It also notes that in many Member States the infrastructure to provide such services does not yet exist, and that it will take time for some Member States to meet these requirements; encourages the Member States concerned to attend to this matter as soon as possible in order to allow for the practical implementation of Article 7. The Resolution was the first official document that asks the Commission to address this deficit by providing a regular overview of the measures taken by the Member States, and an assessment of their efficacy, so as to ensure that audiovisual media services are continually made more accessible. It also points out the need for wider accessibility of programmes, in particular those rendered via on-demand services, through further developments in, inter alia, audio description, audio/spoken subtitles, sign language and menu navigation, notably of electronic programme guides (EPGs). Finally, the Resolution recognises that the Member States should encourage media service providers and manufacturers of supporting devices under their jurisdiction to make their services more accessible, particularly to the elderly and to people with disabilities, such as the hard of hearing and the visually impaired.

Regarding the accessibility, the Resolution highlights the fact that, in an increasingly digital environment, public media services play a crucial role in ensuring that citizens are able to access information online, and acknowledges, in this regard, that the provision of internet services by public media services contributes directly to their mission. Therefore, it calls on the Commission to ensure that aids for persons with impaired vision are generally available for accessing audiovisual products and services;

However, the Resolution stresses that the market for non-linear services is still at a relatively early stage of development and that any new obligations placed on providers must reflect this.

**The European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe** focuses on eliminating barriers. The Commission has identified eight main areas for action within the Strategy and these are the following:

* 1. Accessibility,
	2. Participation,
	3. Equality,
	4. Employment,
	5. Education and training,
	6. Social protection,
	7. Health,
	8. and External Action.

The Strategy identifies key actions for each area, which were selected on the basis of their potential to contribute to the overall objectives of the Strategy and of the UN Convention, the related policy documents from EU institutions and the Council of Europe, as well as the results of the EU Disability Action Plan 2003-2010, and a consultation of the Member States, stakeholders and the general public. The references to national actions are intended to supplement action at EU level, rather than to cover all national obligations under the UN Convention. The Commission will also tackle the situation of people with disabilities through the Europe 2020 strategy, its flagship initiatives and the relaunch of the single market.

The special emphasize on accessibility means that people with disabilities have access, on an equal basis with others, to the physical environment, transportation, information and communications technologies and systems (ICT), and other facilities and services. There are still major barriers in all of these areas. For example, on average in the EU-27, only 5% of public websites comply fully with web accessibility standards, though more are partially accessible. Many television broadcasters still provide few subtitled and audio-described programmes.

**The EU Charter on Fundamental Rights** prescribes in its Article 1 that “Human dignity is inviolable” and that it must be respected and protected. Further on, the EU Charter prohibits any discrimination on the basis of disability. Finally, the EU recognizes and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community in its Article 26.

**The Republic of Macedonia**

**The Law on Audio and Audiovisual Media Services** (AAMS) prescribes, in its Article 26 that the Agency for Audio and Audiovisual Media Services (AAAMS) “shall undertake activities to encourage the audio or audiovisual media service providers to make their services accessible to hearing and visually impaired persons”. The Agency also has the obligation to present the activities that were encouraging the audio or audiovisual media service providers to make their services accessible to hearing and visually impaired persons in its Annual Report on the operation of the Agency for the previous year.

Further on, the Macedonian Ratio Television (MRT) has the obligation, in accordance with the Article 110, that states that the MRT has the obligation “when producing and provisioning the radio and television programmes and programme services of public interest, the MRT shall “plan, develop, adjust, create and broadcast programmes, informative shows and news intended for hearing or visually impaired persons”.

Finally, the Agency prepared the **Draft Strategy for Development of Broadcasting Activity in the Republic of Macedonia**. It prescribes the need for audiovisual media content to be adapted for people with sensory disabilities or those with impaired hearing and sight it’s not just an obligation to comply with enacted by the Audiovisual Media Services Directive.

The part of the public service news programmes have already incorporated sign language, which makes broadcasting content more available to deaf and hard of hearing people and so is the existing legal obligation effected. In fact, Macedonian television practice has demonstrated the use of sign language and subtitling as a way of adapting audiovisual content for deaf and hard of hearing persons. Post-synchronization foreign feature films and serials, which state level commercial television has intensively applied in recent years is facilitating access to such content for the visually impaired. However, this communication is depriving to hearing impaired viewers, therefore the use of combined method of post-synchronization and subtitling is indispensable. Digitalized broadcasters can use audio descriptive services (audio description system), where in a separate audio channel, in addition to the dialogue, there is an explication of the feature film or serial film scenes, with the help of the narrator's voice. This screen production of domestic or foreign origin becomes accessible to the blind and people with low vision.

Facilitating access by persons with impaired hearing and sight to media content is very important for the process of their social inclusion and therefore in digitalization, media regulation should apply to both linear and non-linear services in the public, commercial and voluntary sector broadcasting, gradually making their programs accessible to people with sensory disabilities (hearing and sight). This would mean that the obligation of the Macedonian Radio Television should plan and broadcast programs intended for persons with impaired hearing and it has the obligation to make available for people with sensory disabilities (hearing and sight) news in prime time news program in which everyday life issues are being covered and educational program for children.

The Strategy concludes s that the works financed from the state budget funds or other public funds should be adapted for people with sensory disabilities (vision and hearing).

**Program
of activities and measures for encouraging AVMS providers to make their services accessible to people with a visual or hearing disability **

**Activity 1:
Research and Analysis on the needs of people with visual and hearing disability and current situation in the media regarding the programs aimed for people with disability**

The AAAMS could make secondary analysis of already existing data and conduct additional primary (qualitative) research on the opinions and needs of the people with visual and hearing disability with regard to the radio and TV programs offered by AVMS providers. The main objectives of the research should be to:

* + - * Understand how respondents with a hearing and visual disability use audiovisual services in their daily lives;
* Identify any problems respondents are experiencing with accessing and using audiovisual services (mostly television);
* Explore ideas for overcoming barriers to access and use.
* Investigate awareness and understanding of specialist aids such as subtitles, audio description and sign language.
* Identify what mainstream and specialist equipment consumers use, or have adapted to their needs.
* Identify what information these consumers seek and what information sources they use when switching providers.
* Investigate whether higher take-up of technology among younger people in general is reflected among younger people who have a hearing or visual impairment.
* To establish the need for access to children programs (educational and entertainment) for the children with impaired hearing and sight.

A qualitative approach would be most appropriate for this study as it is the most suitable approach for exploring potentially personal and sensitive issues. In addition, the AAAMS has already conducted several quantitative studies on audience habits, needs and preferences and this data can be subject to secondary analysis from this new perspective.

Also, the AAAMS should conduct a content analysis on the current program output produced and aired by AVMS providers, from the perspective of the accessibility of people with disabilities.

**Activity 2:
Improving the AAAMS communication with the users with visual and hearing impairment**

It is of key importance for the Agency to develop a comprehensive Communication Strategy which will contain also specific part for dealing with people with disabilities. The Communication Strategy should contain at least the following activities/topics related to Consumer advice and protection:

* To identify target groups of users and their associations;
* To conducting research on the needs of individuals and groups (secondary data, primary research with focus groups, interviews etc.) for producing research based analysis;
* To define the content and key messages to be communicated to users and specifically to people with disabilities;
* To define the tools that could be used to communicate information (web page, brochures, leaflets, guides, spots, manuals etc.)
* To plan the dissemination of the products – informational materials (directly to the target groups, seminars, round tables, media campaigns etc.)

The AAAMS should further improve its Web site in order to inform the users with visual and hearing disabilities about their rights and possibilities to get access to audiovisual media services. All the necessary information, regulatory documents, research studies and public campaigns should be published on a separate section of the AAAMS Website.

**Activity 3:
Establishing cooperation with the organisations that represent the people with visual and hearing disabilities and other institutions and with other relevant institutions and organisations**

The AAAMS should establish regular cooperation with organisations that represent the people with visual and hearing disabilities as well as with other institutions and organisations in order to improve the access of people with disabilities to audiovisual program services.

Also, regular cooperation should be established with other institutions and organisations that undertake activities related to social inclusion of people with disabilities: Ministry of Information Society and Public Administration, Ministry of Labour and Social Policy, Ministry of Education, National Coordinative Body for Equal Rights of People with Disabilities, Agency for Electronic Communications etc.

**Activity 4:
Developing of a co-regulatory act on Access of People with Visual and Hearing Disability to Audiovisual Services**

The AAMS’ further step should be to encourage AVMS providers (both the public and commercial ones) to sign up a co-regulatory act on providing access of people with disabilities to their services. The AAAMS could lead the process and help the broadcasters to develop the Code, on the basis of the experiences in other European countries. The Code should be developed in cooperation with the organisations that represent the rights of people with hearing and visual disability.

The Code should include at least the following topics:

* Basic definitions (access to services, subtitling, audio description and sign language)
* Definition of targets to be achieved by broadcasters over time (separately for public services and for commercial broadcasters)
* Criteria for exclusion of some programs or services
* Technical standards for subtitling, audio-description and sign language
* Promotion and awareness of special aids incorporated in the audiovisual programs
* Programming and scheduling
* Monitoring and compliance with the Code

**Activity 5:
Adapting the monitoring system to follow the completion of the multi-annual targets established with the Code**

The AAAMS should allocate resources to monitor the fulfilment of the obligations of the broadcasters undertaken with the Code on Access of People with Hearing and Visual disability to AVM services. The targets established in the multi-annual plan should be met on quarterly level and the broadcasters should be obliged to provide data on the percentage of programs with subtitling, audio-description and sign language. The AAAMS could also conduct ad-hoc control monitoring.

**Activity 6:
Awareness Raising Campaign**

Awareness raising is a key issue that underpins the whole Pogram. Campaign should be aimed at changing negative attitudes towards people with disabilities and should promote mainstreaming of disability issues in the audiovisual services. The campaign should be developed and implemented in cooperation with the AVMS providers and other organisations and institutions, such as: Ministry of Labour and Social Policy, Coordinative body for equal rights of people with disabilities etc.

The key objectives of this campaign should be:

* to promote anti-discrimination legislation and to contribute to the integration of disabled people into their local communities.
* To change the public perceptions of disability and disabled people and to contribute toward a real change in attitudes by all members of society.
* To promote the fact that persons with disabilities have the same human rights as all other people and that there are many barriers in society which hinder or prevent people with disabilities in the enjoyment of these rights.
* To emphasize that the elimination of these barriers in the audiovisual sphere will not only benefit persons with disabilities but society in general.
* to encourage all media and media organisations to increase and improve the portrayal of people with disabilities as full citizens in their media broadcasting and written communications, for example by introducing ethical guidelines related to the dignity of people with disabilities;
* to promote the new Code on access of people with hearing and visual disabilities to the audiovisual services and the make familiar the public with the specific types of access: subtitling, audio-descrption and sign language.

**Activity 7:
Publication of Manual for People with disabilities to promote their rights and new technical possibilities to access audiovisual services**

The AAAMS could also publish a Manual or other popular publications aimed for people with disabilities to promote their rights to access and new technical possibilities for securing access to the audiovisual services. The publication should contain, but should not be limited to: description of the basic rights to communication; definition of the concept of ‘people with hearing and visual disability; definitions of the meaning of the terms: subtitling, audio description, sign language with the acronyms agreed for these services; explanation of the technical concepts (understandable menu navigation, high-definition television, internet television etc.)

This Manual should be developed in cooperation with the organisations that represent people with disabilities. In addition, the AAAMS should consider the possibilities to make the Manual together with the Agency on Electronic Communication in order to consider the possibility to extend publication to all communication services and to publish it in other forms accessible for people with disabilities.

**Appendix:**

**Overview of measures and practices of other European countries in providing access to programs for visually and hearing disability**

***Overview of the situation in European countries***

The issue of media and accessibility has been put third time on the agenda of the European Platform of Regulatory Authorities in Krakow in May 2013. The comparative paper published on EPRA’s Web site[[1]](#footnote-1) provides an overview on the general legal framework and broadcasters’ obligations with regard to subtitling, signing and audio description for linear and on-demand audiovisual media services, on measures concerning the accessibility of end-user TV equipment, on the role played by broadcasting regulators in accessibility policies, and on funding issues.

Even though the legal recognition of accessibility issues at national level has significantly improved, the scope and implementation in practice of the national legislation vary considerably from one country to another. While some countries have very detailed statutory or self-regulatory rules, others have only very general provisions or limit the accessibility obligation to the services of public service broadcasters. Also, many countries have introduced fairly general provisions which do not correlate with some concrete obligations in terms of a required level of subtitling, sign language or audio description for the media service operators, either because they are not binding or would need to be implemented in a more concrete manner.

***Legislation at national level***

Legal provisions guaranteeing access of persons with disabilities to audiovisual media services exist in almost all European countries. The recognition of the need for accessible television services by the respective national legal frameworks has made considerable progress since 2009, due to the harmonization of the national legislations with the new AVMS Directive. Some of the European countries, such as UK or Denmark, already had comprehensive systems in place prior to the Directive and did not take any additional measures.

In addition to the legal provisions, some of the countries have provisions on guarantying this right of persons with disabilities to audiovisual media services in their public service contracts (12 countries), by-laws such as Broadcasting or Access codes (4 countries) and in licensing agreements (3 countries). Some countries combine legal instruments.

In *Belgium* (Flemish speaking Community), there is a requirement for private television services to provide access to their programs for people with disabilities, whereas the Government of Flanders determines a time frame and quota for subtitling, audio description, sign language and audio subtitling. In addition, the agreement for the public broadcasting determines that 100% of all news and information programmes will have to be subtitled. The regulator of the French speaking Community of Belgium (CSA) has adopted two documents to facilitate the access of TV programmes to persons with disability: a recommendation and a binding regulation listing the targets that broadcasters and distributors should achieve.

In *Bosnia and Herzegovina*, in addition to the legal obligation of the Bosnian Public Broadcasting, there is also a Rule on Provision of Audiovisual Media Services which prescribes that both linear and non-linear AMVS providers "shall endeavour to make their services accessible to people with a visual or hearing disability."

In *Finland*, the Act on Television and Radio Operations provides that spoken subtitles and subtitling services should be included in some Finnish and Swedish-language TV programmes.

In *France*, there are same obligations for subtitling for public and private broadcasters whose audience share is over 2.5%. Audio description requirements are also the same for public and private broadcasters whose audience share is over 2.5%.

In *Norway*, the Broadcasting Act contains an obligation for nation-wide television channels with a market share of more than 5 percent to provide subtitling to all produced programmes aired between 18:00 and 23:00 and live programmes - if technically possible. The NRK (public broadcaster) is obliged to provide subtitling for all produced programmes, and for live programmes between 18:00 and 23:00 - if technically possible.

In *Poland*, the Broadcasting Act requires from broadcasters to provide at least 10% of the quarterly transmission time of the programme service, with the exception of advertising and teleshopping, for programmes accessible to visually and hearing impaired persons.

In *Portugal*, the 2007 Law stipulates that the Regulatory Authority for the Media sets the obligations with regard to the use of subtitling, sign language interpretation and audio description or other appropriate technique on the basis of a multi-annual plan which provides for gradual compliance. A Protocol was also signed between the main broadcasters, RTP, SIC TVI, and approved by Portuguese government, which stipulates minimum values.

In *Spain*, the General Law on Audiovisual Communication establishes minimum levels of availability of accessible multimedia in Digital Television.

In *Sweden*, the legislation does not go into details, but detailed provisions are included in PSB-contracts and decisions of the Swedish Broadcasting Authority (for commercial and satellite broadcasters). Accessibility requirements are imposed by the Swedish regulator on the channels broadcast on the DTT network or via satellite.

In the *UK* and *Ireland*, the regulatory authorities have developed specific by-laws that stipulate in detail how the access should be provide, specifying the amount of subtitling, audio description and Sign Language that must be carried by broadcasters.

***Targets***

The obligations of the broadcasters imposed in the national legislations are in some countries[[2]](#footnote-2) implemented with the so-called ‘progressive targets’. This means that higher targets are set over time, starting from low requirements towards very high ones. Progressive targets often take the form of multi-annual plans.

Targets can be set in number of hours of programmes per year (Belgium – French speaking Community), in percentages of the programmes (Poland, Slovakia, Czech Republic), or also in terms of type of programmes, such as news or current affairs (Greece, Cyprus, Flemish speaking Community of Belgium - for commercial broadcasters, Finland), political broadcasts (Malta, Serbia, France) or children’s programmes (Finland, Ireland - for PSB).

Subtitling is the most common accessibility solution, while audio description and sign language translation remain more marginal.

As an example in *Ireland*, RTÉ1 has a target of 80-85% in terms of subtitling in 2013, but only 1,25% in terms of audio description and Irish Sign Language Targets (and this includes the cumulative programming of RTÉ1 and RTÉ2). In the UK, BBC channels (excluding BBC Parliament) has adopted a voluntary target of 100% subtitling of their programme content, audio description of 10% of their programme content (except in the case of BBC News), and signing of 5% of their content. The corresponding targets for ITV1 (including both the regional and national licensees) and Channel 4 are 90%, 5% and 10%, and for Five and S4C1 80%, 5% and 10%.

In *Ireland*, the Access Rules adopted by the regulator, specify the targets for subtitling, audio description and Irish Sign Language from 2012 to 2016. The rules were adopted following a consultation process with industry and user groups which emphasized that although the quantity of subtitles was an issue, the main issue was the quality and reliability of subtitles. The targets are specified in ranges, e.g. 58-62% for RTÉ2 in 2013, to encourage broadcasters to improve the quality and reliability of subtitles.

In the *Netherlands*, public service media and private broadcasters are obliged to subtitle a minimum percentage of the programmes originally broadcast in Dutch language. These obligations apply to national public service broadcasters and national private broadcasters with a reach of at least 75% of the population. The target for national PSBs started from 80% as the minimum amount of subtitled programmes to gradually reach 95% in 2011. The subtitling targets for national private broadcasters started from 15% in 2008 to gradually reach 50% in 2011.

In *Spain*, the Catalan Audiovisual Council (CAC) has passed a Rule which also specifies subtitling targets of 90%, and 10 hours per week of audio description for the Catalan PSB. Private Catalan broadcasters are subject to a 75% target in terms of subtitling, two hours per week of audio description and two hours a week of Catalan Sign Interpreting (especially in prime time). The rule also introduces the typology of programmes that must be accessible.

In *Cyprus*, TV broadcasters are required to broadcast special news bulletins for people with hearing impairment during the period 18:00-22:00. In addition, all TV organizations are required to gradually increase by at least 5% programmes (excluding news) accessible to people with visual or hearing impairment.

In *Serbia*, further to interaction with representative associations, the RBA Council issued a General Binding instruction during the election campaign 2012, according to which all national terrestrial TV broadcasters including commercial national broadcasters - which are not subject to accessibility obligations - were requested to make pre-election programmes accessible to people with visual or hearing disabilities and stipulated some basic mandatory obligations.

In *France*, the CSA recently requested broadcasters to make the annual campaign on the protection of minors and official electoral campaigns (presidential and legislative) accessible to hearing and visually impaired persons.

**UK regulator - OFCOM**

The British regulator Ofcom has a duty under the Communications Act to have regard for the needs of disabled people when making and implementing regulatory decisions. To inform its work, Ofcom has carried out in-depth research into the issues facing people with disabilities on the basis of which adjusts its regulatory policy. This has also focused on the people with hearing and with visual disability. For example, the research has found that disabled people watch more television than average and that radio is more important to blind and partially sighted people than to sighted people.

Ofcom has adopted separate *Code on Television access services[[3]](#footnote-3)* in order to ensure that broadcasters provide minimum proportions of programmes with *subtitling, sign language* and *audio description* (defined in the Code as television access services). Thus, Ofcom intends to help people with hearing or visual impairments to understand and enjoy television. Ofcom notes that some broadcasters already provide television access services on a voluntary basis, and encourages broadcasters to do so where possible, and to have regard to relevant parts of the Code and *Guidelines on the provision of television access services[[4]](#footnote-4)*.

*Definitions of subtitling, sign language* and *audio description*: *Subtitling* is a text on screen representing speech and sound effects that may not be audible to people with hearing impairments, synchronised as closely as possible to the sound. People using subtitling range from those who have become hard of hearing in later life, to those who have been profoundly deaf since birth. Many people with good hearing also use subtitles so that they can watch television with the sound muted (e.g. so that they can simultaneously talk on the telephone), or learn English, but they are not the target audience. For the deaf, and those suffering severe hearing loss, subtitles are likely to be the most important source of audio information. Viewers with a mild hearing loss to moderate hearing loss are likely to rely on subtitles to aid their hearing rather than as a substitute. But all are likely, consciously or subconsciously, to lip read to a degree. Subtitle users reflect the full range of proficiency in English; some profoundly deaf people regard BSL as their first language, and are less fluent in English. While the varying needs of subtitling users make it difficult to provide subtitling that suits everybody, the guidelines below reflect generally accepted practice.

*Audio Description* is a service primarily aimed at blind or visually-impaired people which comprises a commentary woven around the soundtrack, exploiting pauses to explain on-screen action, describe characters, locations, costumes, body language and facial expressions to enhance meaning and enjoyment for blind or visually-impaired viewers. While people with visual impairments are drawn from all age ranges, a majority will experience loss of some or all of their vision later in life, for example, as a result of macular generation. Accordingly, audio describers should take account of the fact that most potential users of audio description will have some sight, or will have had sight at some stage.

*Sign language* comprises the use of manual gestures, facial expression and body language to convey meaning. British Sign Language (BSL) is the most popular sign language in the United Kingdom. This is a distinct language (recognised as such by the Government) with different syntax and vocabulary from English. In addition to different forms of sign language in other countries, Sign Supported English (which tends to follow the syntax and vocabulary of English) and Makaton (a simplified form of sign language sometimes used with deaf children) are also used in the UK. Some people who are deaf or have significant hearing impairments (usually those who are profoundly deaf, often from birth or early in life) use BSL as their preferred form of communication. Young deaf children who are not yet literate in English rely particularly on sign language to understand and enjoy children’s programming.

*Application of the Code*: The Code applies to licensed public service channels, digital television programme services, television licensable content services (TLCS), and restricted television services. The BBC Agreement also requires the BBC to observe the Code in respect of its public television services. Television services excluded from the requirement to provide television access services are: a) those comprising advertising only, for example, a shopping channel; b) electronic programme guides; and c) those licensed outside the United Kingdom.

Television access services need not be provided in cases when there are technical difficulties, such as: a) audio description of music and news programmes and services, where there is little space within the dialogue/sound track to provide audio description, and less need. However, broadcasters are required to ensure that producers, editors and presenters are trained in techniques to describe the significance of images for the benefit of the blind and partially-sighted audience. Broadcasters are required to provide a statement of the training they are providing within 12 months of becoming subject to the Code; b) provision of subtitling that is not supported by commercially-available set top boxes; and c) provision of access services where a service is broadcast with several different language feeds, making the choice of language for signing problematic.

*List of broadcasters*: Each year Ofcom adopts a list of broadcasters required to provide access services which is published on Ofcom’s website. Ofcom may exclude some programmes and services from the obligation to comply with the Code, having regard to several criteria: a) the extent of the benefit which would be conferred by the provision of the assistance for disabled people in relation to the programmes; b) the size of the intended audience for the programmes; c) the number of persons who would be likely to benefit from the assistance and the extent of the likely benefit in each case; d) the extent to which members of the intended audience for the programmes are resident in places outside the United Kingdom; e) the technical difficulty of providing the assistance; and f) the cost, in the context of the matters mentioned in paragraphs (a) to (e), of providing the assistance.

Having regard to these criteria, the television services which have a share of viewing below determined threshold shall be excluded by Ofcom from providing television access services. The audience share threshold for domestic television services is an average audience share of all UK households over a 12 month period (‘audience share’) of 0.05% or less. Ofcom would exclude television services from providing signing if they do not meet the determined signing threshold which for domestic television services is an average audience share of all UK households over a 12 month period (‘audience share’) of 1% or less.

*Targets for broadcasters:* Ofcom determines “statutory targets” for broadcasters which are expressed as percentages of the service, including all programmes other than advertisements and programmes that have been excluded by reference to the specified criteria stated above. They rise from a low level to the ten-year targets prescribed by the Act, that is eighty per cent (80%) for subtitling, five per cent (5%) for signing and ten per cent (10%) for audio description.

Тhe BBC channels (excluding BBC Parliament) are required to subtitle 100% of their programme content, audio describe 10% of their programme content (except in the case of BBC News), and sign 5% of their content. The corresponding targets for the public service (private) channels are: ITV1 (including both the regional and national licensees) and Channel 4 are 90%, 5% and 10%, and for Five and S4C1 80%, 5% and 10%.

There are specific targets applying to the commercial cable and satellite channels broadcasting when the Communications Act 2003 came into force (set out in the Table below). There are also targets applying to all other channels which can be found in the most recent of the periodic reports published by Ofcom on its website[[5]](#footnote-5). In 2015, 79 domestic channels are be required to provide access. These channels account for over 90 per cent of the audience share for UK TV.

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| Service/Year | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 |
| Subtitling | 10%  | 10% | 35% | 35% | 60% | 60% | 70% | 70% | 70% | 80% |
| Signing | 1%  | 1%  | 2%  | 2%  | 3%  | 3%  | 4%  | 4%  | 4%  | 5%  |
| Audio Description | 2%  | 4%  | 6%  | 8%  | 10%  | 10%  | 10%  | 10%  | 10%  | 10%  |

*Promotion of awareness*: Ofcom requires television service providers to promote awareness of the availability of their television access services to potential users by making available accurate and timely information to electronic programme guide (EPG) operators listing their services, and by providing similar information on their website. Ofcom has imposed corresponding obligations on EPG operators through the EPG Code. Broadcasters who provide programme synopses for use in EPGs in the United Kingdom should indicate which programmes are accompanied by television access services by including the standard upper-case acronyms for subtitling (S), audio description (AD) and signing (SL). Where broadcasters provide access services to other countries, they should endeavour to use the indicators for access services used in those countries. Ofcom also expects television service providers to demonstrate that they are taking effective steps to publicize awareness of their television access services through other means, including periodic on-air announcements and information in publications aimed at persons likely to benefit from television access services.

*Programming and Scheduling:* Broadcasters are obliged to normally schedule programming with subtitling and audio description at peak viewing times for each channel. However, as signing is only provided in open format, it is accepted that signed programmes may need to be shown outside peak viewing hours and recorded by viewers with hearing impairments. In selecting programmes for which access services are to be provided, broadcasters should seek advice from disability groups about how best to maximise the benefits to the blind and those with visual impairments, to the deaf and hard of hearing, and to the deafblind. Ofcom encourages broadcasters not to seek to fulfil their obligations by scheduling multiple repeats of programmes, as this will detract from the benefit of providing access services to users.

*Monitoring and Compliance:* Broadcasters to whom the Code applies are required: to submit completed forms for each six month period; to make and retain a recording in sound and vision of every programme included in the service for a period of 60 days from the date of its broadcast; and provide a copy of the recording for examination and reproduction on request by Ofcom.

In addition, Ofcom also publishes [information](http://stakeholders.ofcom.org.uk/market-data-research/market-data/tv-sector-data/tv-access-services-reports/full-year-2010) about the amounts of television access services that broadcasters are required to provide and what they actually deliver.

**Germany**

The German Inter-State Broadcasting Agreement contains only general obligation for the broadcasters to make as much as possible of their programs accessible to people with disabilities, emphasizing that this should be done “within the limits of [broadcasters’] technical and financial means”[[6]](#footnote-6).

Public service television broadcasters have signed a statement of commitment that they will secure substantial proportion of their radio and TV programs to be ‘barrier-free’ for the audience with hearing or visual impairment. In respect to television services this mainly means that they will provide subtitling for the hearing-impaired and audio descriptions (descriptions of images) for visually impaired persons. The German channel ARD made a commitment to subtitle all its programs in near future. The percentages for audio descriptions are expected to be much lower due to the higher production costs. Audio description is used mainly for films and TV series.

*Subtitling for hearing impaired people:* In addition to the translated and dubbed sentences, subtitling for hearing-impaired people includes also signs which describe also important sounds and music in the films (for example, shots ringing out in a criminal series). Also, according the ARD Subtitling Guideline different colors are used for different protagonists: yellow, green, cyan and magenta. The colors should be assigned in a meaningful way, so the professionals who make subtitling have to become familiar with the content of the movie. Next, in cases when the music or a song plays important role in the plot, then the complete lyrics are provided. There are also very detailed Guidelines on the technical aspects, timing and positioning of subtitling on the screen.

*Audio description for visually impaired people*: The aim of the audio description is to help visually impaired people to understand as much as possible the content of a movie. When producing audio descriptions, broadcasters or film companies work closely with associations of the blind and visually impaired people. Audio description consists of inserting within the dialogue and sound pauses of a film, sentences that explain the picture. The description focuses on the characters’ appearance, what they are doing or what is happening to them. There is also a description of the most important characters and of the surroundings.

In the team of describers, there must be also at least one blind or seriously visually impaired person. Descriptive text is produced for each pause in the dialogue, whereas particular attention is paid to the length of sentences to ensure they fit into the gaps. Simple and shorter sentences are used more often, because they can be easier understood by the audience. Names of the most important characters are provided only once and are followed later by the individual’s first or last name only. Other characters are given descriptive names (e.g. woman in a black dress). In addition, audio description also includes names of locations, information about the time of the day and other relevant facts. The style should be rather descriptive and neutral then interpretative. The recording of the audio description is made in a sound studio with a professional narrator and a new soundtrack with the audio description is mixed. A sound professional is also engaged to adjust the volume of the original sound and the narrator’s voice.

*Methods of delivery*: There are several methods for delivery of the content aimed for visually or hearing impaired people. *Subtitles* in Germany are delivered traditionally via teletext. The TV viewer has to call up a specific page which only serves as the channel for transmission of subtitles. The symbol that is used in Germany is UT (Untertitel) which is inserted into the top right-hand corner when the program begins, to inform viewers that the subtitles are available. Programs in the EPGs (electronic program guides) are also marked with the UT symbol. For the audio description the symbol used is AD. In addition, the channels themselves also inform the viewers on their websites about their programs with subtitles and/or audio description.

The transmission of *audio description* (mixed track) is made through a second sound channel (so, it can be available only for programmes in stereo). Digital receivers have an option to select the sound channel manually and the availability of audio description is indicated in the program guides.

There is a new mode of delivery, by using *Internet* and HbbTV-enabled devices or smart TVs. TV receivers are connected to the Internet and can display different information on the screen. The transmission of subtitles is also possible via smart TVs and for the users new options for adjustments are feasible – to change the font size or the position of subtitles on the screen. Also, this technology enables the users to find easily subtitles for the content available online (media libraries and video on demand).

People with hearing and visual impairment can also use the possibilities offered through *smartphones*. An audio description or subtitles for a movie can be simply downloaded to the user’s smartphone. The track is simultaneously synchronized with the beginning of the movie as it starts playing. There is also a technical solution to view the film on a mobile phone at the same time as on a television, in a form of ‘closed caption glasses’. By means of a small receiver, these glasses can also play an audio description via headphones.

1. Available at: <http://epra3-production.s3.amazonaws.com/attachments/files/2202/original/accessibility_WG3_final_revised.pdf?1373379195> [↑](#footnote-ref-1)
2. Such targets are reported in Belgium, Finland, France, the UK, Ireland, in the Netherlands, Spain and Sweden. [↑](#footnote-ref-2)
3. Available at: <http://stakeholders.ofcom.org.uk/binaries/broadcast/other-codes/tv-access-services-2013.pdf> [↑](#footnote-ref-3)
4. Available at: <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/guidelines.pdf> [↑](#footnote-ref-4)
5. Available at: <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/access-services-15.pdf> [↑](#footnote-ref-5)
6. See more details in the publication: Enabling Access to the Media for All, Iris Plus 2014-3, European Audiovisual Observatory. [↑](#footnote-ref-6)